

CALENDAR ITEM

C19

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08/19/15

PRC 4148.1

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S. Kreutzburg

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

William Eccles Hayward; Hope Hayward, as Trustee of the Hope Hayward 2009 Revocable Trust, dated June 17, 2009; and Wendy Ann Hayward, Trustee of the Wendy Ann Hayward 2012 Irrevocable Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 5602 North Lake Boulevard, Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, gantry with boat hoist, and two mooring buoys.

LEASE TERM:

10 years, beginning October 20, 2015.

CONSIDERATION:

\$1,918 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. The proposed lease contains a provision which requires the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the US District Court invalidated the FEIS and nullified the ordinances. TRPA is presently evaluating its response. At such time as additional information is available,

CALENDAR ITEM NO. **C19** (CONT'D)

Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA EIS and ordinance issues.

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. The Applicant owns the upland adjoining the premises.
2. On October 20, 2005, the Commission authorized a 10-year Recreational Pier Lease to William Eccles Hayward, Christina Hope Hayward, and Wendy Ann Hayward. The Lease will expire on October 19, 2015.
3. Since then, partial ownership of the upland transferred to Hope Hayward, as Trustee of the Hope Hayward 2009 Revocable Trust, dated June 17, 2009; and to Wendy Ann Hayward, Trustee of the Wendy Ann Hayward 2012 Irrevocable Trust. The Applicant is now applying for a General Lease – Recreational Use.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C19** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, Section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to William Eccles Hayward; Hope Hayward, as Trustee of the Hope Hayward 2009 Revocable Trust, dated June 17, 2009; and Wendy Ann Hayward, Trustee of the Wendy Ann Hayward 2012 Irrevocable Trust, beginning October 20, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier, gantry with boat hoist, and two mooring buoys, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$1,918, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4148.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 15, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, two catwalks, and a gantry with boat hoist lying adjacent to those parcels described in Grant Deed recorded June 3, 2013 as Document Number 2013-0054071-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2 & 3 – BUOYS

All those lands underlying two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 05/15/2015 by the California State Lands Commission Boundary Unit.



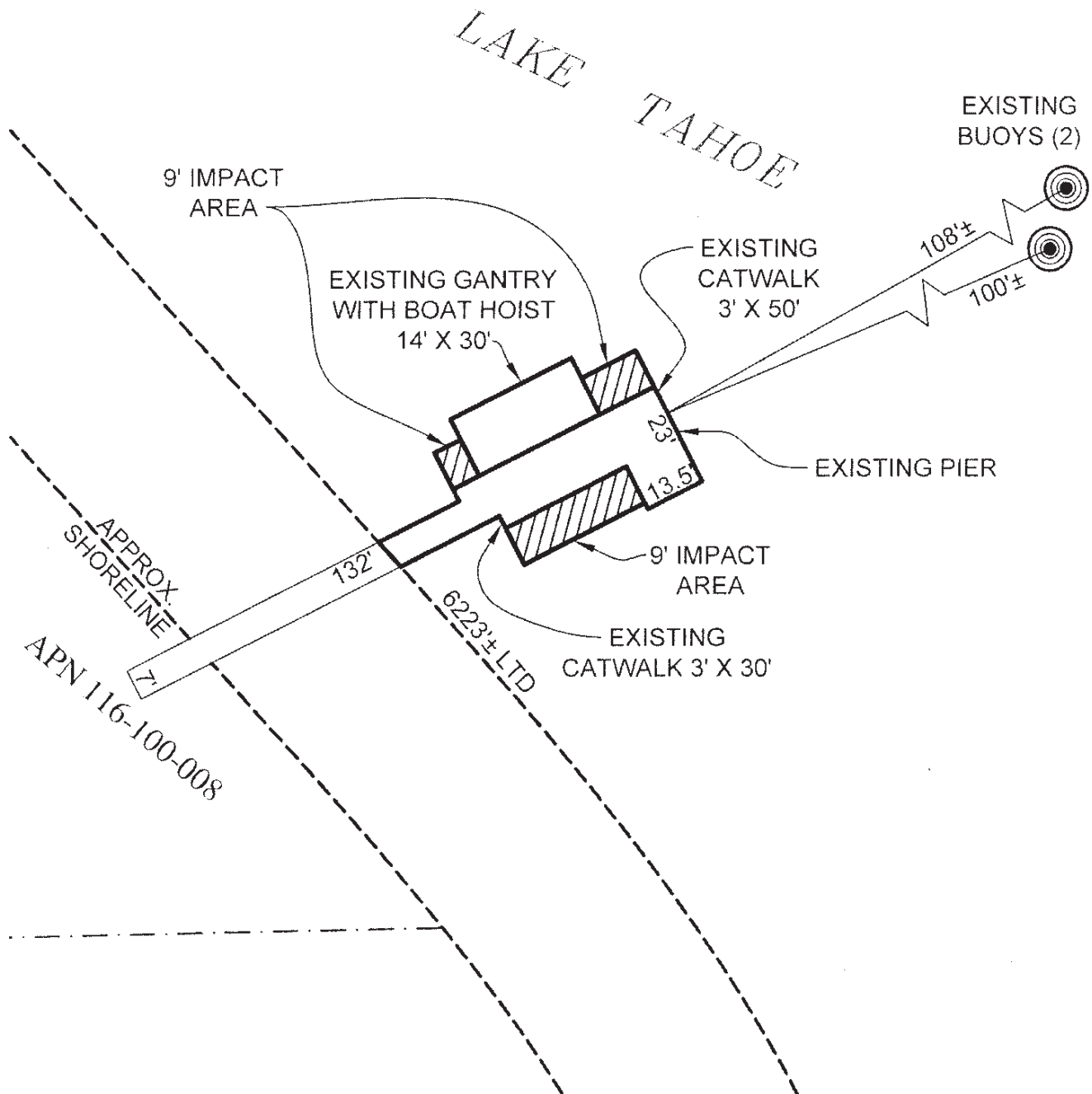


EXHIBIT A

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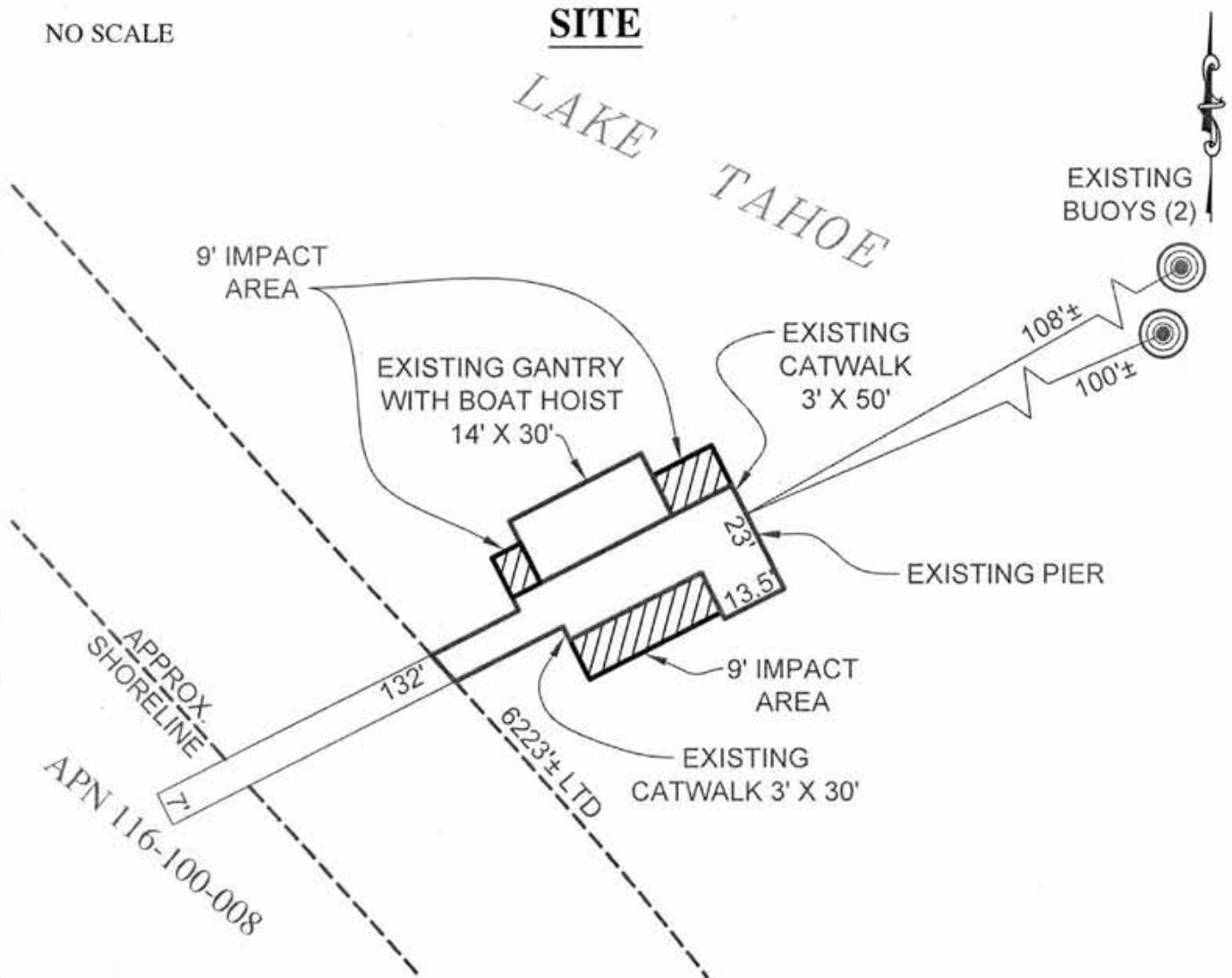
LAND DESCRIPTION PLAT
PRC 4148.1, HAYWARD TRUSTEE
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



5602 NORTH LAKE BOULEVARD, NEAR CARNELIAN BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4148.1
HAYWARD TRUST
APN 116-100-008
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



RGB 05/19/15

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.